

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

ANTONIO SOTO,

Defendant and Appellant.

B268693

(Los Angeles County
Super. Ct. No. GA085316)

APPEAL from a judgment of the Superior Court of
Los Angeles County, Jared D. Moses, Judge. Affirmed.

Karyn H. Bucur, under appointment by the Court of
Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant Antonio Soto was convicted in a jury trial of one count of second degree commercial burglary (Pen. Code, § 459; count 1),¹ one count of attempted second degree robbery (§ 211; count 2), one count of second degree robbery (§ 211; count 6), and two counts of possession of a firearm by a felon (§ 12021, subd. (a)(1); counts 7 and 8), with findings of personal use of a firearm (§§ 12022.5, subd. (a), 12022.53, subd. (b)). The jury also found true the allegations regarding defendant's five prior felony convictions and the trial court found those prior convictions were strikes. (§§ 667, subds. (a)(1), (b)-(i), 1170.12, subds. (a)-(d).) The trial court sentenced defendant to a total term of 100 years to life.

On appeal in *People v. Soto* (Apr. 10, 2015, B250369), an unpublished opinion, this court concluded there was insufficient evidence to support the jury's true finding on one of defendant's prior convictions. We therefore remanded for retrial or resentencing.

On remand, the court resentenced defendant to 95 years to life, striking one of the five-year terms for a serious prior felony conviction under section 667 subdivision (a)(1). Defendant timely filed a notice of appeal from the judgment after resentencing. Subsequently, the trial court re-called the case and resentenced defendant to 90 years to life, striking the five-year enhancement as to *both* counts two and six.

Defendant's appointed counsel on appeal filed an opening brief that raised no issues and requested independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436). On May 13, 2016, we sent defendant a letter informing him of the

¹ All further statutory references herein are to the Penal Code unless otherwise indicated.

nature of the brief that had been filed and advising him that he had 30 days to file a supplemental brief setting forth issues he wished this court to consider. We have received no response.

We have independently reviewed the entire record. We are satisfied that no arguable issues exist and defendant has received effective appellate review of the judgment entered against him. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-279; *People v. Kelly* (2006) 40 Cal.4th 106, 123-124.)

The judgment is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

COLLINS, J.

We concur:

EPSTEIN, P. J.

WILLHITE, J.